

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RONALD D. LEONARD,	:	NO. 1:13-CV-00097
	:	
Plaintiff,	:	
	:	ORDER
v.	:	
	:	
SMOOT,	:	
	:	
Defendant.	:	

This matter is before the Court on the Magistrate Judge's March 28, 2013 Report and Recommendation (doc. 8). No Objection has been filed.

Proper notice was provided to the Parties under Title 28 U.S.C. § 636(b)(1)(C), including the notice that they would waive further appeal if they failed to file an objection to the Magistrate Judge's Report and Recommendation in a timely manner. See United States v. Walters, 638 F.2d 947, 949-50 (6th Cir. 1981).

Having reviewed this matter de novo, pursuant to Title 28 U.S.C. § 636, the Court concludes that the Magistrate Judge's Report and Recommendation is correct. Accordingly, the Court ADOPTS and AFFIRMS the Report and Recommendation in all respects, and DISMISSES Plaintiff's Complaint for failure to state a claim upon which relief may be granted. The Court further CERTIFIES pursuant to 28 U.S.C. § 1915(a)(3) that with respect to any application by Petitioner to proceed on appeal in forma pauperis,

an appeal of this Order would not be taken in "good faith" and therefore the Court DENIES Petitioner leave to appeal in forma pauperis upon a showing of financial necessity. Fed. R. App. P. 24(a); Kincade v. Sparkman, 117 F.3d 949, 952 (6th Cir. 1997). Plaintiff remains free to apply to proceed in forma pauperis in the Court of Appeals. Callihan v. Schneider, 178 F.3d 800, 803 (6th Cir. 1999).

SO ORDERED.

Dated: April 24, 2013

s/S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge